

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6493 OF 2019**

1. Aditya Kumar Gupta S/o - Late Shiv Prasad Gupta Aged About 63 Years Retried From The Post of Assistant Commissioner (State Tax), Office of Joint Commissioner, Bilaspur, Division-2, District Bilaspur Chhattisgarh.
2. Sanat Kumar Goyal S/o - Late Ayodhya Prasad Goyal Aged About 63 Years Retried From The Post Of Assistant Superintendent (State Tax), Office of Joint Commissioner, Bilaspur, Division-2, District Bilaspur Chhattisgarh.
3. Anand Ram Thakur S/o - Late S.L. Thakur Aged About 69 Years Retried From The Post Of Dupty Commissioner (Commercial Tax), Office of Dupty Commissioner, Commercial Tax, Division-1, District Bilaspur Chhattisgarh,
4. Lalit Kumar Pandey S/o - Late Chandu Lal Pandey Aged About 64 Years Retired From The Post Of Assistant Grade-Ii, Office of Assistant Commissioner, Circle-3, District Bilaspur Chhattisgarh.
5. Shyam Kishor Sahai S/o - Late S. Sahai Aged About 64 Years Retried From The Post Of Assistant Commissioner (State Tax), Office of Joint Commissioner, Raipur, Circle-5, District Raipur Chhattisgarh.
6. Rajendra Kumar Mishra S/o- Late Rameshwar Prasad Mishra Aged About 63 Years Retried From The Post of Assistant Commissioner , Office of Dupty Commissioner, Commerical Tax, Durg, District Durg Chhattisgarh, District : Durg, Chhattisgarh
7. Girdhari Lal Ogre S/o - Late Dehri Ogre Aged About 63 Years Retried From The Post Of Assistant Commissioner (State Tax), Office Of Joint Commissioner (State Tax), Bhatapara, District Baloudabazar-Bhatapara Chhattisgarh.
8. Ravindra Prasad Gupta S/o - Late Mohar Ram Gupta Aged About 64 Years Retried From The Post Of Assistant Commissioner (State Tax), Office Of Joint Commissioner, State Tax, Division No. 2, Raipur, District Raipur Chhattisgarh.
9. Rakesh Trivedi S/o - Late Dr. T.S. Trivedi, Aged About 64 Years Retried From The Post Of Commercial Tax Officer, Office Of Commissioner Tax Officer, Circle-3, Raipur, District Raipur Chhattisgarh.
10. Jagnu Ram Shyam S/o - Late Narbad Ram Shyam Aged About 64 Years Retried From The Post Of Assistant Superintendent (State Tax), Office Of Joint Commissioner, Division-2, Bilaspur, District Bilaspur Chhattisgarh.
11. Tulsi Ram Patel S/o - Late Bholanath Patel Aged About 65 Years Retried From The Post Of Commerical Tax Officer, Office Of Commerical Tax Officer, Mahasamund, District Mahasamund Chhattisgarh.
12. Santosh Kumar Deshmukh S/o - Late M.R. Deshmukh Aged About 63 Years Retried From The Post Of Commercial Tax Officer, Office of Commerical Tax Office, Durg, Circle-2, District Durg Chhattisgarh.
13. Laxmi Prasad Vishwakarma W/o - Late Manu Ram Vishwakarma Aged About 64 Years Retired From The Post Of Steno Typist, Office Of The Deputy Commissioner, Commercial Tax, Division No. 2, Raipur District Raipur Chhattisgarh.

- 14.** Chhote Lal Gahwai S/o - Late Sahasram Gahwai Aged About 67 Years Retired Steno Typist, Office Of Commercial Tax Officer Circle-2, Bilaspur, District Bilaspur Chhattisgarh.

...Petitioner(s)

Versus

- 1.** State of Chhattisgarh Through The Secretary General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur Chhattisgarh.
- 2.** Secretary, Commercial Tax Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
- 3.** Commissioner (State Tax), Raipur, District Raipur Chhattisgarh.

... Respondent(s)

For Petitioners	:	Shri C Jayant K Rao, Advocate.
For Respondent-State	:	Shri Anshuman Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27.08.2019

- 1.** The claim of the petitioners in the present writ petition is for a direction to the respondents to grant pensionary benefits by adding one increment which the petitioners were entitled for on continuous working for one year before the date of retirement.
- 2.** The case of the petitioners is that, all the petitioners have retired on 30.06.2010, 30.06.2018 and 30.06.2019 respectively and they were all entitled for the benefit of one increment from 1st July. According to the petitioners, they were entitled for the increment for the services rendered in the previous year and therefore they have earned the said benefit and while granting pensionary benefits that one increment, which fell due on their working for one year before the retirement in the previous year, should had been added for the purpose of determining pension and pensionary benefits.
- 3.** At this juncture, the counsel for the petitioners brought to the notice of the court a recent circular of the General Administration Department of the Govt. of Chhattisgarh dated 11.06.2019 whereby the State Govt., as a policy decision, has decided to grant one increment to those employees who retire on 30th June while fixing their pension and pensionary benefits.

4. Given the said decision of the State Govt. dated 11.06.2019, the respondents are directed to consider the case of the petitioners so far as adding one annual increment to the last wages drawn by the petitioners for the purpose of determining pension and retiral dues which the petitioners would be entitled for. Let this exercise be completed by the respondents in respect of each of the petitioners within a period of four months from the date of receipt of copy of this order.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder